

## **MEMORANDUM OF UNDERSTANDING**

**WHEREAS**, the United States District Court for the Northern District of Mississippi (“MSND”) and the Mississippi Department of Corrections (“MDOC”) have agreed to collaborate on a program that will allow the Inmate Legal Assistance Program (“ILAP”) of MDOC to digitally scan *pro se* prisoner pleadings;

**WHEREAS**, MSND and MDOC agree to enter into this Memorandum of Understanding setting forth the responsibilities of each party;

**NOW, THEREFORE**, it is agreed by and between MSND and MDOC as follows:

- I. The scanning program will initially be tested in the ILAP Office at the Mississippi State Penitentiary in Parchman, Mississippi. Once both MDOC and MSND are satisfied that the scanning program is operating effectively, MDOC, in collaboration with MSND, will set a schedule for expanding the program to other facilities.
- II. MDOC ILAP Offices will utilize MDOC facilities and devices in the operation of the scanning program and MDOC will be responsible for the maintenance of such property.
- III. Participating ILAP staff will obtain individual PACER accounts through [pacer.gov](http://pacer.gov). This will ensure continual access to the MSND Case Management and Electronic Case Filing system (“CM/ECF”) through future upgrades.
- IV. Participating ILAP staff will register for the MSND CM/ECF system and will be provided with individual accounts. Participating ILAP staff and relevant MDOC staff will be responsible for maintaining the security of their individual CM/ECF accounts and ensuring that no other persons have access to such accounts.
- V. MDOC will notify MSND when a participating ILAP employee leaves their position. MSND will terminate the CM/ECF account for the former ILAP employee.
- VI. MDOC and MSND will develop a training program for participating ILAP staff on the limited use of the CM/ECF system for this scanning program. Furthermore, participating ILAP and MDOC staff will abide by the MSND Administrative Procedures for Electronic Case Filing, attached hereto as **Appendix A**.
- VII. MSND will create an event on the CM/ECF system that will allow participating ILAP staff to upload the *pro se* prisoner pleadings onto the MSND CM/ECF system.
- VIII. Once the pleadings are uploaded, a notice of electronic filing (“NEF”) will be automatically generated by the CM/ECF system. This will be the final screen that appears in the uploading process. The MDOC ILAP employee who is uploading the document will print the NEF. The printed NEF will be delivered to the inmate and

will serve as notice that the pleading has been electronically delivered to the MSND. The NEF will not contain the prisoner's case number.

- IX. MDOC will ensure that only participating ILAP employees and relevant MDOC staff will have access to the MSND CM/ECF system and that only the individual registered to a specific CM/ECF account will utilize that account.
- X. Once received, MSND staff will file the pleadings in the appropriate case. From that point, correspondence from the court will be mailed to the inmate, which will reflect the inmate's case number. This case number is to be used on all future pleadings in that case.
- XI. MSND will continue to mail a physical paper copy of orders along with an "Acknowledgement of Receipt" to be signed by the inmate. Upon obtaining a signature from the inmate, MDOC ILAP employees will upload the acknowledgement of receipt through the scanning program.
- XII. MDOC will set forth the policies and procedures to be used by ILAP staff in the scanning program.

We, the undersigned, have read and agree with this Memorandum of Understanding. Further, we have reviewed and approve the proposed project.

By 

David Crews

Clerk of Court

U.S. District Court for the Northern District of Mississippi

By 

Pelicia E. Hall

Commissioner, Mississippi Department of Corrections

By 

Gia McLeod

Director of MDOC Inmate Legal Assistance Program